

Minutes of the
Bountiful City Council Meeting
City Council Chambers
October 23, 2012, 7:00 p.m.

Present: Mayor: Joe L. Johnson
Council Members: Beth Holbrook, John Marc Knight, Fred Moss, and
Thomas Tolman
City Manager/Attorney: Russell Mahan
City Engineer: Paul Rowland
Admin. Services Director: Galen Rasmussen
Planning/RDA Director: Aric Jensen
Department Heads: Gary Blowers, Streets
Allen Johnson, Power
Jerry Wilson, Parks
Recording Secretary: Nancy Lawrence
Excused: Councilman: Richard Higginson

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Standard Examiner, and on the Utah Public Notice Website.

Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. Visiting Boy Scout Hunter Simkins led the pledge of allegiance to the flag and Councilwoman Holbrook offered a prayer.

The Mayor commented on the Emergency Preparedness Fair which was held October 13th, noting that it was well attended and supported by a lot of vendors. He also thanked those who assisted with the hazardous waste collection.

APPROVAL OF MINUTES

Minutes of the regular City Council meeting held October 9, 2012 were presented and approved as amended on a motion made by Councilman Knight and seconded by Councilwoman Holbrook. Councilpersons Holbrook, Knight, Moss, and Tolman voted "aye".

COUNCIL REPORTS

Councilwoman Holbrook reminded the group that the Bar J Wranglers will present a concert on December 1st at 7:00 p.m. at Woods Cross High School. This is one of a series of concerts sponsored by the Bountiful Community Service Council.

YOUTH COUNCIL REPORT

Marsella and Parker, Youth Council representatives, reported that the Youth Council will be assisting with the Bar J Wrangler concert. They have also been babysitting on Wednesdays for the Communities That Care project which provides parents a way to be temporarily relieved of parental responsibilities when they (the parents) are struggling. Representatives from Communities that Care attend the Youth Council meetings to aid in a better working relationship between the two groups.

1 The Youth Council was asked to study the proposal that bee keeping be legalized in
2 Bountiful City limits. Parker reported that the Youth Council favors this proposal and
3 recommended that the City Council approve the proposal when it is presented. The basis for their
4 decision is that bees would enhance fruit and vegetable production within the City which provides
5 support to individuals and could also stimulate the economy via the Farmer's Market.

6
7 **WEEKLY EXPENDITURES APPROVED**
8 **FOR TWO PAYMENT DATES**

9 Mayor Johnson presented the Expenditure and Expense Reports for payments made on
10 October 8, 2012 (\$886,767.66), and October 15, 2012 (\$252,003.53). The staff responded to
11 questions, following which Councilman Tolman made a motion to approve the two reports, as
12 presented. Councilman Moss seconded the motion and voting was unanimous. Councilpersons
13 Holbrook, Knight, Moss and Tolman voted "aye".

14
15 **MARY CARPENTER RECOGNIZED FOR SERVICE**
16 **WITH FARMER'S MARKET**

17 Mayor Johnson explained that the City is taking this opportunity to thank Mary Carpenter
18 for her service with the Farmer's Market which was started 12 years ago. Mrs. Carpenter reviewed
19 the history of the fruit/vegetable/crafters market and recognized Alexis and Jolene Roush who have
20 helped her. Invitations to the vendors are sent out in January to get organized and ready for the
21 upcoming summer season.

22
23 Mrs. Carpenter expressed appreciation to Gary Blowers and Jerry Wilson for the help which
24 they provide as City staff. When asked by the Mayor if there is anything that the City can do to
25 support this program, Mrs. Carpenter explained that porta-potties are rented during the University of
26 Utah summer break when patrons don't have access to the University building for bathrooms. She
27 said it would be helpful if the City bore the expense of the portable restrooms for that short time
28 period.

29
30 **IPA CONTRACT AMENDMENTS APPROVED – POWER DEPARTMENT**

31 Allen Johnson reviewed that Bountiful City Light and Power purchases power from IPP
32 (Intermountain Power Project), a coal-fired generation plant located in Delta, Utah. IPA
33 (Intermountain Power Agency) administers the business of this plant. Bountiful currently has a
34 power sales contract which is approximately 30 MW (1.67 percent of the total plant generation)
35 which will expire in 2027 and negotiations are currently under way regarding this contract.
36 Councilman Moss sits on the IPA Board representing Bountiful. Our current contract allows us to
37 lay off our 30 MW to California (at no expense to us) and have the option to re-claim it with Notice
38 (6 to 18 months).

39
40 There are two amendments to the IPA Organization Agreement which Bountiful will need to
41 address. The Fourth Amendment requires a 2/3 vote of the members to pass and provides for IPA
42 to own a non-coal project. The current contract addresses coal only. This amendment would also
43 expand IPA's power to be able to sell, transfer, convey, lease, retire, repower, decommission the
44 project, as approved by the Board of Directors.

45
46 The Second Amendatory Power Sales Contract, which requires 100 percent of the

1 participants in IPP to sign, includes: provision for natural gas repowering, redefining the project as
2 two 600 MW natural gas units, decommissioning provisions and costs, decommissioning the coal
3 plant by 2027, and the capacity to repower with gas to be operational no later than July 1, 2025.
4 The Renewal Offer Process will be handled at a later time when the Second and Fourth
5 Amendments have been approved.
6

7 Discussion followed with input from Councilman Moss on current legislation in California
8 which has impacted the need to repower with gas. He also pointed out that the IPP facility provides
9 a positive benefit to Utah's economy in that all expenses are currently borne by California users and
10 profits are distributed to contractual entities in Utah, as well as California. This is currently a \$350
11 million benefit to Utah. He visited various issues related to both the Fourth and Second proposed
12 amendments and noted that Bountiful's options include (1) getting completely out of the project; (2)
13 contracting for a different amount, or (3) keeping the same amount. The current contract permits
14 Bountiful to call back the power, with appropriate notice. The proposed contract does not include
15 that provision.
16

17 The discussion centered on the importance of having the call back option and of the de-
18 commissioning fund being funded by California. Councilman Moss made a motion to authorize the
19 Mayor to sign the Second Amendatory Power Sales Contract and the Fourth Amendment to IPA
20 Organization Agreement, as recommended by staff, with the understanding that if minor changes
21 are necessary, per the discretion of the City Attorney, those changes are automatically approved. If
22 material changes are necessary, per the City Attorney, the matter will be referred back to the City
23 Council for further review. Councilman Knight seconded the motion and voting was unanimous.
24 Councilpersons Holbrook, Knight, Moss, and Tolman voted "aye".
25

26 Councilman Moss shared with the Council the report given in Power Commission meeting
27 which gave details on money saved through Plant generation, as compared to purchasing the
28 majority of peaking power from the market.
29

30 **COUNCIL APPROVES PURCHASE/INSTALLATION OF SECURITY**
31 **CAMERAS FOR POWER DEPARTMENT WAREHOUSE/STORAGE AREA**

32 Mr. Johnson reviewed that the Power Department has experienced an increase in the theft of
33 wire for the copper and aluminum. It is the recommendation of staff and the Power Commission to
34 accept a proposal from Global Surveillance (the company who is supplying the cameras for the City
35 in the parks) to purchase and install eleven cameras, upgrade the existing camera server, and to
36 provide the wire and labor for a total cost of \$23,431.46. Following discussion, Councilman Moss
37 made a motion to support this recommendation and approve the proposal from Global Surveillance.
38 Councilwoman Holbrook seconded the motion which carried unanimously. Councilpersons
39 Holbrook, Knight, Moss and Tolman voted "aye".
40

41 **FINAL SUBDIVISION PLAT APPROVAL GIVEN TO VILLAS AT**
42 **STONE CREEK, 600 NORTH 400 EAST**

43 Mr. Rowland presented the request of Villas at Stone Creek for final subdivision plat
44 approval for a 29-lot single-family residential subdivision located on 8.3 acres of land at
45 approximately 600 North 400 East. He said that the plat has been reviewed by staff and the
46 Planning Commission and comes to the Council with a recommendation for final subdivision plat

approval, subject to the following conditions:

1. The extension of 550 North through the corner of the LDS Church property is completed fully at the expense of the developer, as set forth in Ordinance 2012-06 and the existing development agreement between the City and the Developer.
2. Any approval is conditioned upon the final floodplain map designation set forth by FEMA. (The Mayor expressed concern about the timing of the completion of the flood plain map. However, Mr. Rowland explained that once the map is finalized, the status of the property can be amended).
3. Any and all redline corrections are made.
4. Any and all fees and bonds are paid.
5. The final plat mylar is prepared and recorded within the required time frame.
6. Davis County grants final approval for the proposed creek crossings.
7. The developer executes a Bountiful City storm water system maintenance agreement such that it is binding upon the future owner of Lot 5 (the location of the detention basin).

Councilwoman Holbrook made a motion to grant final plat approval, as recommended. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss and Tolman voted "aye".

PUBLIC HEARING TO CONSIDER 2012 BIENNIAL MODERATE INCOME HOUSING REPORT

Mr. Jensen reviewed that Utah state law requires that every municipality create and adopt a Moderate Income Housing Report every two years. He said that the Bountiful City Council adopted a housing plan in the year 2000 and since that time the City has adopted a series of reports as required by statute. He referred to the 2012 Moderate Income Housing Report and said it is the recommendation of staff to approve it. The objective of this process is to create a balance of moderate income housing throughout all communities, and to remove barriers to moderate income housing.

Mayor Johnson opened the public hearing to receive citizen input on this item at 8:20 p.m. No one gave input and the hearing was closed. Councilwoman Holbrook made a motion to approve the Housing Report, as presented and recommended. Councilman Knight seconded the motion which carried unanimously. Councilpersons Holbrook, Knight, Moss, and Tolman voted "aye".

COUNCIL ADOPTS ORD. NO. 2012-14 RE: CITY MANAGER RESIDENCY REQUIREMENT

Mayor Johnson reviewed that the Council had previously discussed alternative residency requirements for the City Manager and the matter has been carried forward to this meeting. Mr. Mahan reviewed five alternatives, and following discussion, Councilman Moss made a motion to adopt Ordinance No. 2012-14 entitled AN ORDINANCE AMENDING THE BOUNTIFUL CITY CODE CONCERNING THE CITY MANAGER RESIDENCY REQUIREMENT, with the second alternative, which eliminates the requirement for the City Manager to live within Bountiful City limits. Councilwoman Holbrook seconded the motion. Voting was by a majority with Councilpersons Holbrook, Moss and Tolman voting "aye" and Councilman Knight voting "nay".

STAFF AND COUNCIL CALENDARING ITEMS

Mayor Johnson reported that the Bountiful Davis Art Center met with the County and negotiated to rent space in the old court house to be used for their temporary needs.

The meeting adjourned at 8:30 p.m. on a motion made by Councilwoman Holbrook and seconded by Councilman Moss. Voting was unanimous with Councilpersons Holbrook, Knight, Moss, and Tolman voting "aye".

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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